

## Message Text

PAGE 01 STATE 116588  
ORIGIN EPA-04

INFO OCT-01 ISO-00 OES-07 EB-07 AF-10 ARA-10 EA-09  
EUR-12 NEA-10 IO-13 SIG-02 MMO-04 HEW-06 L-03  
COME-00 /098 R

DRAFTED BY EPA/A-106:KMACONAUGHEY:IFULLER:EF  
APPROVED BY OES/ENP/EN:HSPIELMAN  
EPA/A-106:JBLANE  
OES/ENP/EN:PIGLASOE  
EB/STA:GWHITE

-----211933Z 123601 /73

R 201555Z MAY 77  
FM SECSTATE WASHDC  
TO ALL DIPLOMATIC POSTS

UNCLAS STATE 116588

E.O. 11652: NA

TAGS: SENV

SUBJECT: TOXIC SUBSTANCES CONTROL ACT (TSCA) -- INVENTORY  
OF EXISTING CHEMICALS

REF: (A) STATE 269736, (B) STATE 079926, (C) STATE 49302,  
(D) A-1168

1. SECTION 8(B) OF THE TOXIC SUBSTANCES CONTROL ACT (TSCA)  
(REF A) REQUIRES THE U.S. ENVIRONMENTAL PROTECTION AGENCY  
(EPA) TO COMPILE AND PUBLISH BY NOVEMBER 11, 1977, A LIST  
OF ALL CHEMICAL SUBSTANCES WHICH HAVE BEEN MANUFACTURED  
IMPORTED, OR PROCESSED FOR COMMERCIAL PURPOSES IN THE  
UNITED STATES SINCE JULY 1, 1974. CHEMICAL SUBSTANCES  
NOT APPEARING ON THAT INVENTORY WILL BE CONSIDERED NEW  
CHEMICAL SUBSTANCES AND, AS SUCH, WILL BE SUBJECT TO  
REVIEW BY EPA FOR A 90-DAY PERIOD PRIOR TO THEIR MANU-  
UNCLASSIFIED

PAGE 02 STATE 116588

FACTURE OR IMPORT FOR COMMERCIAL PURPOSES. (SEE PARA 5  
FOR EXPLANATION.)

2. A "CANDIDATE (I.E., DRAFT) LIST" OF SOME 30,000  
CHEMICAL SUBSTANCES HAS BEEN COMPILED BY EPA. ITS PURPOSE  
IS TO SIMPLIFY REPORTING FOR THE INVENTORY BY PROVIDING  
A STARTING POINT FOR MANUFACTURERS, PROCESSORS, IMPORTERS.  
ALSO, FOR CHEMICALS ON THE CANDIDATE LIST, THE INFORMATION  
REQUIRED FOR REPORTING THE SUBSTANCE TO EPA IS INCLUDED.

IT IS IMPORTANT TO NOTE THAT APPEARANCE OF A CHEMICAL SUBSTANCE ON THE LIST DOES NOT IMPLY THAT IT ACTUALLY HAS BEEN MANUFACTURED FOR COMMERCIAL PURPOSES, SINCE SOME LISTED SUBSTANCES MAY HAVE BEEN USED ONLY IN RESEARCH, FOR EXAMPLE. THE ONLY WAY SUBSTANCES FROM THE "CANDIDATE LIST" WILL BE INCLUDED IN THE FINAL INVENTORY TO BE PUBLISHED NOVEMBER 11 IS FOR MANUFACTURERS, PROCESSORS, IMPORTERS TO ADVISE EPA THAT THE LISTED SUBSTANCE WAS ACTUALLY PRODUCED, PROCESSED OR IMPORTED SUBSEQUENT TO JULY 1, 1974. AS NOTED, THE CANDIDATE LIST CONTAINS ALL THE INFORMATION NEEDED TO IDENTIFY SUBSTANCES CONTAINED THEREIN FOR PURPOSES OF REPORTING TO EPA. A SHORT FORM ("FORM A") WILL BE USED IN SUCH CASES. SUBSTANCES NOT FOUND ON THE CANDIDATE LIST MUST BE REPORTED USING FORM B IF THEY ARE TO BE INCLUDED IN THE FINAL INVENTORY.

3. USING THE AUTHORITY OF SECTION 8 OF TSCA, AND THE CANDIDATE LIST AS A STARTING POINT, EPA INTENDS TO COMPILE THE FINAL INVENTORY FROM REPORTS PREPARED AND SUBMITTED TO EPA BY MANUFACTURERS, IMPORTERS, AND PROCESSORS OF CHEMICAL SUBSTANCES. UNDER PROPOSED RULES PUBLISHED (FEDERAL REGISTER, MARCH 9) BY EPA FOR COMPILATION OF THE INVENTORY, PERSONS WHO HAVE MANUFACTURED OR IMPORTED CHEMICAL SUBSTANCES FOR COMMERCIAL PURPOSES SINCE JANUARY 1, 1977 MUST REPORT THOSE SUBSTANCES; PERSONS WHO HAVE MANUFACTURED OR IMPORTED CHEMICAL SUBSTANCES DURING UNCLASSIFIED

PAGE 03 STATE 116588

THE PERIOD JULY 1, 1974 TO JANUARY 1, 1977 MAY REPORT THOSE SUBSTANCES FOR INCLUSION IN THE INVENTORY. THE PERIOD FOR SUCH REPORTING IS TENTATIVELY SET FOR JULY 1 TO SEPTEMBER 1 OF THIS YEAR, ALTHOUGH THESE DATES COULD CHANGE SLIGHTLY WHEN THE FINAL REGULATIONS ARE PROMULGATED IN THE LATTER PART OF JUNE.

4. THE PROPOSED INVENTORY REPORTING REGULATIONS PRESCRIBE:

A. WHAT CHEMICAL SUBSTANCES MAY AND MAY NOT BE REPORTED FOR INCLUSION ON THE INVENTORY. (MOST NATURALLY-OCCURRING SUBSTANCES DO NOT HAVE TO BE REPORTED SINCE THEY WILL BE AUTOMATICALLY INCLUDED ON THE INVENTORY UNDER THE CATEGORY "RAW AGRICULTURAL COMMODITIES," OR BY THEIR INCLUSION ON APPENDIX A OF THE CANDIDATE LIST WHICH WILL LIST ROCK AND MINERAL PRODUCTS WHICH HAVE BEEN IDENTIFIED AS BEING IN COMMERCE. THE INVENTORY WILL EXCLUDE (1) MIXTURES, INCLUDING SOLUTIONS, HYDRATES, AND ALLOYS, (2) BYPRODUCTS, INCLUDING END-USE REACTIONS PRODUCTS AND WASTE BYPRODUCTS, (3) PESTICIDES, FOODS, FOOD ADDITIVES, DRUGS, COSMETICS WHEN MANUFACTURED, PRODUCED, OR IMPORTED FOR SUCH USES, (4) CHEMICAL SUBSTANCES WHICH ARE MANUFACTURED OR IMPORTED IN SMALL QUANTITIES SOLELY FOR RESEARCH PURPOSES), AND  
B. PROCEDURES FOR REPORTING AND HANDLING CLAIMS OF

CONFIDENTIALITY.

5. THE INVENTORY WILL ESTABLISH THE EXISTING CHEMICAL SUBSTANCES OF COMMERCE IN THE UNITED STATES. SUBSTANCES NOT ON THE INVENTORY WILL BE CONSIDERED NEW AND SUBJECT TO PREMANUFACTURING NOTIFICATION. IN SUCH A CASE, A MANUFACTURER OR IMPORTER OF A NEW CHEMICAL SUBSTANCE WILL BE REQUIRED (SECTION 5(A) OF TSCA) TO NOTIFY AND SUPPLY TO EPA CERTAIN DATA CONCERNING THAT SUBSTANCE AT LEAST 90 DAYS BEFORE SUCH SUBSTANCE IS INTENDED TO BE INTRODUCED INTO COMMERCE IN THE UNITED STATES. DURING THE 90-DAY PERIOD, EPA WILL PUBLISH THE NAME OF THAT CHEMICAL SUB-  
UNCLASSIFIED

PAGE 04 STATE 116588

STANCE AND EVALUATE THE CONTENT OF THE NOTICE. EPA MAY INITIATE REGULATORY ACTION AGAINST THE SUBSTANCE IF INSUFFICIENT DATA IS SUBMITTED FOR IT TO EVALUATE THE POTENTIAL HAZARD POSED BY THE INTRODUCTION OF THAT SUBSTANCE INTO COMMERCE, OR IF EPA DETERMINES THAT THE SUBSTANCE MAY POSE AN UNREASONABLE RISK TO HUMAN HEALTH OR THE ENVIRONMENT. IF EPA TAKES NO ACTION WITHIN THE 90-DAY PERIOD TO DELAY OR RESTRICT THE INTRODUCTION OF THE SUBSTANCE INTO COMMERCE, THE SUBSTANCE MAY BE MANUFACTURED OR IMPORTED FOR COMMERCIAL PURPOSES. (REGULATIONS ESTABLISHING PROCEDURES TO BE FOLLOWED, AND THE NATURE OF DATA TO BE SUBMITTED UNDER THE PREMANUFACTURING NOTICE PROVISIONS OF TSCA, ARE CURRENTLY BEING DEVELOPED.)

6. IT IS IMPORTANT TO NOTE THAT TSCA DEFINES "MANUFACTURE" TO INCLUDE IMPORTATION INTO THE UNITED STATES. U.S. IMPORTERS WILL BE HELD RESPONSIBLE BY THE EPA FOR PROVIDING THE NECESSARY INFORMATION ABOUT THE CHEMICAL SUBSTANCES THEY IMPORT. HOWEVER, THE DETAILED INFORMATION THEY, IN TURN, NEED WILL MOST PROBABLY HAVE TO COME FROM THE FOREIGN MANUFACTURER. SUCH FIRMS SHOULD THEREFORE BE PREPARED TO SUPPLY THEIR U.S. IMPORTERS UPON REQUEST -- OR EVEN TAKE THE INITIATIVE IN CONTACTING THE IMPORTERS -- THE DATA NEEDED TO MAKE APPROPRIATE RESPONSES TO THE INVENTORY REPORTING REQUIREMENTS.

(WHILE IT WILL NOT BE DEFINITE UNTIL THE FINAL RULES RELATING TO THE REPORTING FOR THE INVENTORY ARE ESTABLISHED BY EPA IN LATE JUNE, EPA IS CONSIDERING PROCEDURES BY WHICH FOREIGN MANUFACTURERS MAY REPORT DETAILED INFORMATION DIRECTLY TO EPA ON BEHALF OF THE IMPORTER, WITH THE IMPORTER CONFIRMING THIS ARRANGEMENT AND PERHAPS SUPPLYING ADDITIONAL GENERAL INFORMATION AS TO THE SUBSTANCE REPORTED.)

7. LASTLY, THERE IS A STATEMENT IN THE PROPOSED REGULA-  
UNCLASSIFIED

PAGE 05 STATE 116588

TIONS (PAGE 13131, MARCH 9 ISSUE OF THE FEDERAL REGISTER) IN THE "GENERAL PROVISIONS AND INVENTORY REPORTING REQUIREMENTS" THAT "IMPORTERS MUST REPORT NOT ONLY THE BULK CHEMICAL SUBSTANCES BUT ALSO THOSE WHICH ARE CONTAINED IN IMPORTED ARTICLES, INsofar AS KNOWN TO THE IMPORTER OR REASONABLY ASCERTAINABLE." (AS NOTED IN THE FEDERAL REGISTER, THIS LANGUAGE WOULD APPLY ONLY FOR IMPORTS DURING THE PERIOD OF DRAWING UP THE INVENTORY. AFTER NOVEMBER 1977, EVEN STRICTER RULES ARE PROPOSED.) THE ISSUES SURROUNDING THE DEFINITION OF A "CHEMICAL SUBSTANCE CONTAINED IN AN ARTICLE" ARE UNRESOLVED AT PRESENT. EPA IS AWARE OF THE MANY DIFFICULTIES SURROUNDING THE REPORTING OF CHEMICAL SUBSTANCES CONTAINED IN IMPORTED ARTICLES. THIS HAS ALREADY BEEN A MATTER OF INTENSE DISCUSSION WITH, INTER ALIA, REPRESENTATIVES OF THE AMERICAN IMPORTER ASSOCIATION, FOREIGN GOVERNMENTS, AND FOREIGN MANUFACTURERS. THE "ARTICLES" ISSUES WILL BE RESOLVED AT THE TIME THE FINAL REGULATIONS ARE PROMULGATED IN LATE JUNE, AND THE DECISION WILL BE DISSEMINATED TO ALL INTERESTED PARTIES AS SOON AS POSSIBLE THEREAFTER. IN THE INTERIM, FOREIGN MANUFACTURERS MAY WISH TO BEGIN THEIR REVIEW OF THE CANDIDATE LIST BY CONCENTRATING ON THEIR SHIPMENTS OF BULK CHEMICALS TO THE U.S., WHICH WILL IN ANY CASE BE SUBJECT TO THE REPORTING REQUIREMENTS.

8. POSTS ARE BEING SENT TWO SETS OF THE FOLLOWING MATERIALS: TEXT OF THE TOXIC SUBSTANCES CONTROL ACT; THE "CANDIDATE LIST" OF CHEMICAL SUBSTANCES (WHICH IS INTENDED SOLELY FOR USE BY PERSONS REPORTING CHEMICAL SUBSTANCES); PROPOSED INVENTORY REPORTING REGULATIONS CONTAINING DRAFT REPORTING FORMS A AND B; AND A SUPPLEMENTAL NOTICE CONTAINING A GUIDE TO THE USE OF THE CANDIDATE LIST AND A COMMENTARY ON REPORTING INSTRUCTIONS. (USOECD WILL RECEIVE 25 SETS OF THESE MATERIALS FOR TRANSMITTAL TO THE CHEMICALS GROUP SECRETARIAT TO DISTRIBUTE TO MEMBERS.)

UNCLASSIFIED

PAGE 06 STATE 116588

9. ACTION REQUESTED: DRAWING ON PRECEDING, OR USING IT VERBATIM, ADDRESSEE POSTS ARE REQUESTED TO INFORM APPROPRIATE MINISTRIES AND OTHER AGENCIES OF HOST GOVERNMENT CONCERNING EPA'S PUBLICATION OF THE CANDIDATE LIST OF CHEMICALS. THEY SHOULD STRESS THE IMPORTANCE OF CHEMICAL MANUFACTURERS IN THEIR COUNTRY WHO EXPORT TO THE U.S. REVIEWING THE LIST AND ESTABLISHING CONTACT WITH THEIR U.S. IMPORTERS CONCERNING REPORTING. IN COUNTRIES WHERE THERE CLEARLY IS NO LOCAL INDUSTRY WHICH COULD BE AFFECTED BY THE NEED TO HAVE EXISTING EXPORTS OF CHEMICALS TO THE U.S. APPROPRIATELY REGISTERED ON THE FINAL EPA INVENTORY, IT IS LEFT TO POSTS' DISCRETION WHAT, IF ANY, NOTIFICATION

THEY SHOULD MAKE TO THE LOCAL AUTHORITIES.

10. POSTS SHOULD SEND ONE COPY OF THE MATERIALS WHICH ARE BEING POUCHED TO THE HOST GOVERNMENT SOURCE MOST DIRECTLY INVOLVED WITH THE EXPORTING CHEMICAL INDUSTRY. THE SECOND SET SHOULD BE RETAINED IN THE POSTS' COMMERCIAL LIBRARY. WHILE NOT REQUIRED, IT WOULD BE HIGHLY DESIRABLE FOR POSTS IN COUNTRIES WITH ANY SIGNIFICANT EXPORTING CHEMICAL INDUSTRY TO CIRCULARIZE INDIVIDUAL FIRMS AND/OR APPROPRIATE ASSOCIATIONS TO REITERATE THE INFORMATION PASSED TO HOST GOVERNMENT AND NOTIFY THEM OF THE AVAILABILITY IN THE POSTS' LIBRARY OF THE CANDIDATE LIST AND EXPLANATORY MATERIALS. INTERESTED PARTIES MAY BE ADVISED THAT ADDITIONAL COPIES MAY BE OBTAINED FROM THE SUPERINTENDENT OF DOCUMENTS, U.S. GOVERNMENT PRINTING OFFICE (GPO), WASHINGTON, D.C. 20402. THE PRICE IS 14 DOLLARS AND THE ORDER NUMBER IS GPO-055-007-00001-2.

11. THE IMPORTANCE OF MAKING THIS INFORMATION WIDELY AVAILABLE AND ENCOURAGING FOREIGN MANUFACTURERS (EXPORTERS) OF CHEMICALS TO VET THE CANDIDATE LIST AND MAKE APPROPRIATE ARRANGEMENTS WITH THEIR U.S. IMPORTERS FOR FILINGS TO THE EPA CANNOT BE OVERSTATED. AS NOTED IN THE EXPLANATORY MATERIAL, FAILURE TO GET A CHEMICAL WHICH IS BEING MANUFACTURED

PAGE 07 STATE 116588

FACTURED AND EXPORTED TO THE U.S. ON THE FINAL (NOV. 11) INVENTORY CAN MEAN THAT THAT CHEMICAL WILL BE TREATED AS A "NEW CHEMICAL" THEREAFTER AND SUBJECT TO THE PREMANUFACTURE NOTIFICATION PROVISIONS OF TSCA WITH ALL THE POTENTIAL FOR DELAYS, TESTING, ETC. THAT THAT CAN ENTAIL.  
CHRISTOPHER

UNCLASSIFIED

<< END OF DOCUMENT >>

## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 22-Sep-1999 12:00:00 am  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** DRUG CONTROL, POISONS  
**Control Number:** n/a  
**Copy:** SINGLE  
**Sent Date:** 20-May-1977 12:00:00 am  
**Decaption Date:** 01-Jan-1960 12:00:00 am  
**Decaption Note:**  
**Disposition Action:** n/a  
**Disposition Approved on Date:**  
**Disposition Case Number:** n/a  
**Disposition Comment:**  
**Disposition Date:** 01-Jan-1960 12:00:00 am  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1977STATE116588  
**Document Source:** ADS  
**Document Unique ID:** 00  
**Drafter:** EPA/A-106:KMACONAUGHEY:IFULLER:EF  
**Enclosure:** n/a  
**Executive Order:** 11652 NA  
**Errors:** n/a  
**Expiration:**  
**Film Number:** D770182-0365  
**Format:** TEL  
**From:** STATE  
**Handling Restrictions:** n/a  
**Image Path:**  
**ISecure:** 1  
**Legacy Key:** link1977/newtext/t197705110/baaevzu.tel  
**Line Count:** 254  
**Litigation Code IDs:**  
**Litigation Codes:**  
**Litigation History:**  
**Locator:** TEXT ON-LINE, TEXT ON MICROFILM  
**Message ID:** 8a6ce888-c288-dd11-92da-001cc4696bcc  
**Office:** ORIGIN EPA  
**Original Classification:** UNCLASSIFIED  
**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 5  
**Previous Channel Indicators:**  
**Previous Classification:** n/a  
**Previous Handling Restrictions:** n/a  
**Reference:** (A) STATE 269736, (B) STATE 079926, (C) STATE 49302, (D) A-1168  
**Retention:** 0  
**Review Action:** RELEASED, APPROVED  
**Review Content Flags:**  
**Review Date:** 11-Jan-2005 12:00:00 am  
**Review Event:**  
**Review Exemptions:** n/a  
**Review Media Identifier:**  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**SAS ID:** 2346248  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** TOXIC SUBSTANCES CONTROL ACT (TSCA) -- INVENTORY OF EXISTING CHEMICALS  
**TAGS:** SENV, US, XX  
**To:** ALL DIPLOMATIC POSTS  
**Type:** TE  
**vdkgvwkey:** odb://SAS/SAS.dbo.SAS\_Docs/8a6ce888-c288-dd11-92da-001cc4696bcc  
**Review Markings:**  
Margaret P. Grafeld  
Declassified/Released  
US Department of State  
EO Systematic Review  
22 May 2009  
**Markings:** Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009